

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ZAN GREEN,

**Plaintiff,**

V.

JPMORGAN CHASE BANK, N.A.,  
WASHINGTON MUTUAL BANK,  
CTX MORTGAGE COMPANY LLC,  
MERSCORP, INC., MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC. and BRICE,  
VANDER LINDEN & WERNICK, P.C.,

## Defendants.

**CIVIL ACTION NO. 3:11-cv-1498**

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S NOTICE OF REMOVAL**

Defendant JPMorgan Chase Bank, N.A. (“JPMC”) files its Notice of Removal of this action from the 95<sup>th</sup> Judicial District Court, Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, JPMC shows this Court as follows:

1. Plaintiff Zan Green (“Plaintiff”) commenced an action against JPMC and others in the 95<sup>th</sup> Judicial District Court, Dallas County, Texas, entitled “*Zan Green v. JPMorgan Chase Bank, N.A. Washington Mutual Bank, CTX Mortgage Company, LLC, MERSCORP, Inc., Mortgage Electronic Registration Systems, Inc. and Brice, Vander Linden & Wernick, P.C.*” pending as Cause No. 11-07946, by filing Plaintiff’s Original Complaint and Application for an Emergency Temporary Injunction Request for Disclosure and Demand for Jury Trial (the “Complaint”).

2. According to the records of the state court, only JPMC and Defendant Washington Mutual Bank have been served with citation. Washington Mutual Bank was put into receivership by the FDIC in September 2008 and is accordingly, not a proper party to this lawsuit. Because Washington Mutual Bank has been improperly joined in this action, it is not necessary that it consent to removal. Because none of the other Defendants (other than Washington Mutual Bank) have been served with citation, JPMC is entitled to remove this case without seeking or obtaining the consent of the other named Defendants. *Getty Oil Corp., a Div. of Texaco, Inc. v. Insurance Co. of North America*, 841 F.2d 1254, 1261 n.9 (5<sup>th</sup> Cir. 1988).

3. Removal is timely because thirty (30) days have not elapsed since any Defendant received a summons or citation. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (holding that the 30 day deadline to remove begins on the date the summons or citation is served, even if the complaint is received at a prior date).

4. This Notice of Removal will be filed with the State of Texas District Court, in Dallas County, and a copy of this Notice of Removal will also be served on the Plaintiff. In accordance with Local Rule 81.1, attached as Exhibit "A" is an index of all documents that clearly identifies each document and indicates the date the document was filed in state court; attached as Exhibit "B" is a copy of the Judge's Docket sheet in the state court action; and, attached as Exhibit "C" is each document filed in the state court action, except discovery material, individually tabbed and arranged in chronological order according to the state court file date. Also, in accordance with Local Rule 81.1, JPMC has filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with LR 3.1(f) and FRCP 7.1.

**Ground for Removal: Federal Question**

5. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331 in that it arises under the laws of the United States.

6. Specifically, in her Complaint, Plaintiffs allege causes of action premised on violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. Complaint at pgs. 30-32. Because Plaintiff alleges a claim that arises under federal statutes, this Court has federal question jurisdiction, and removal is proper.

WHEREFORE, Defendant JPMorgan Chase Bank, N.A. prays that the above-described action now pending in the 95<sup>th</sup> Judicial District Court, Dallas County, Texas, be removed to this Court.

Respectfully submitted,

*/s/ Marcie L. Schout*  
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**ATTORNEYS FOR DEFENDANT  
JPMORGAN CHASE BANK, N.A.**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon counsel, via certified mail, return receipt requested, as set forth below, on this 7th day of July, 2011:

Hiram McBeth, Esq.  
6060 North Central Expressway,  
Suite #560  
Dallas, Texas 75206.

*/s/ Marcie L. Schout*  
\_\_\_\_\_  
Wm. Lance Lewis / Marcie L. Schout